



PLANNING COMMISSION AGENDA REPORT

VII.5

MEETING DATE: APRIL 27, 2009

ITEM NUMBER:

SUBJECT: ZONING CODE AMENDMENT CO-09-05
MODIFYING THE DEFINITION OF "LANDSCAPING" IN TITLES 13 AND 20

DATE: APRIL 16, 2009

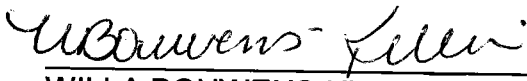
FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP
PRINCIPAL PLANNER – 714.754.5153

PROJECT DESCRIPTION

The Planning Division has initiated the modification of the definition of "landscaping" in the Zoning Code (Title 13) and to add the definition to the Property Maintenance Code (Title 20).

RECOMMENDATION

Recommend to City Council that the draft ordinance be given first reading.


WILLA BOUWENS-KILLEEN, AICP
Principal Planner


KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND/ ANALYSIS

Recent concerns with potential water shortages as well as the need for a consistent definition of “landscaping” in the Costa Mesa Municipal Code prompted staff to propose these changes.

Staff felt that, especially in this time of potential water shortages, the Code definition of landscaping should be broadened to recognize a variety of materials, such as decomposed granite, gravel, and boulders, in addition to living plant materials. The proposed definition also includes a prohibition against “exposed soil”. It is hoped that the formal recognition of the acceptability of these materials will encourage more creative, drought-tolerant landscape designs.

At this time, the Zoning Code’s landscape regulations do not apply to the R1 zone; however, the property maintenance standards do require R1 properties to be landscaped. To ensure internal consistency between different portions of the Costa Mesa Municipal Code sections, staff proposes including the same “landscaping” definition in Titles 13 and 20, as well as modifying Section 20-7(o) to distinguish between driveways and the remainder of the area visible from the public right-of-way.

The proposed changes are as follows:

- a. Amend Title 13, Chapter I, Section 13-6, Definitions, by deleting the existing definition:

Landscaping. ~~Plant materials such as lawn, groundcover, trees, and shrubs.~~

Replacing it with the following version:

“Landscaping. Living plant materials such as turf, ground cover, trees, and shrubs, and dry landscape materials such as mulch, ground bark, or other substances originating from living organisms as well as other natural elements such as boulders, rocks, and decomposed granite. Landscaping may also include complementary hardscape materials, provided that living plant materials are the primary component. Exposed soil shall not constitute landscaping.”

- b. Amend Title 13, Chapter VII, Section 13-102, Definitions, to include the following:

“Landscaping. See Section 13-6.”

- c. Amend Title 20, Article I, Section 20-2 Definitions, to include the following:

“Landscaping. Living plant materials such as turf, ground cover, trees, and shrubs, and dry landscape materials such as mulch, ground bark, or other substances originating from living organisms as well as other natural elements

such as boulders, rocks, and decomposed granite. Landscaping may also include complementary hardscape materials, provided that living plant materials are the primary component. Exposed soil shall not constitute landscaping."

- d. Amend Title 20, Article 2, Section 20-7.(o) as follows:

Landscaping. With the exception of the R1 properties, all landscaping on the property shall be maintained pursuant to Section 13-108 LANDSCAPE MAINTENANCE of this Code. For R1 properties, with the exception of driveways, unpaved all areas visible from the public right-of-way shall be landscaped and the landscaping shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation.

GENERAL PLAN CONSISTENCY

The amendment is proposed to further encourage drought tolerant landscaping, consistent with General Plan Objective CON-1B: "Work towards the protection and conservation of the City's existing and future water resources recognizing water as a limited resource requiring conservation." Additionally, the amendment will further enhance the appearance of properties in the City by confirming the requirement for landscaping and prohibiting exposed soil in all zones, including the R1 zone, consistent with Goal CD-6, which strives for a "positive visual image for the City of Costa Mesa."

LEGAL REVIEW

Staff has reviewed the proposed ordinance with the City Attorney's office, who has found the proposed ordinance acceptable and supportable.

ALTERNATIVES

The Planning Commission can either recommend approval, modification, or denial of the ordinance to City Council. City Council will take Commission's recommendation into consideration as a part of their review and action process.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines.

CONCLUSION

Adoption of the proposed definition of landscaping will clarify the type of landscaping treatments permitted for all zones throughout the City.

Attachments: 1. Draft ordinance CO-09-05 (strike-through version)
 2. Photographs

cc: Deputy City Manager - Dev. Svs. Director
 Senior Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

File: 042709CO0905	Date: 042209	Time: 1:15 p.m.
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ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-05, AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE TO REVISE THE DEFINITION OF LANDSCAPING

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, in this time of potential water shortages, the definition of landscaping should be broadened to allow a variety of materials, such as decomposed granite, gravel, and boulders, in addition to living plant materials, and to encourage more creative, drought-tolerant landscape designs; and

WHEREAS, adoption of this amendment will provide guidance for acceptable landscaping in the R1 single-family residential district.

THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: TITLES 13 AND 20 CODE AMENDMENT. Titles 13 and 20 of the Costa Mesa Municipal Code are hereby amended as follows:

- a. Amend Title 13, Chapter I, Section 13-6, Definitions, by deleting the existing definition:

~~**“Landscaping.** Plant materials such as lawn, groundcover, trees, and shrubs.”~~

Replacing it with the following version:

“Landscaping. Living plant materials such as turf, ground cover, trees, and shrubs, and dry landscape materials such as mulch, ground bark, or other substances originating from living organisms as well as other natural elements such as boulders, rocks, and decomposed granite. Landscaping may also include complementary hardscape materials, provided that living plant materials are the primary component. Exposed soil shall not constitute landscaping.”

- b. Amend Title 13, Chapter VII, Section 13-102, Definitions, to include the following:

“Landscaping. See Section 13-6, Definitions.”

- c. Amend Title 20, Article I, Section 20-2 Definitions, to include the following:

“Landscaping. Living plant materials such as turf, ground cover, trees, and shrubs, and dry landscape materials such as mulch, ground bark, or other substances originating from living organisms as well as other natural elements such as boulders, rocks, and decomposed granite. Landscaping may also include complementary hardscape materials, provided that living plant materials are the primary component. Exposed soil shall not constitute landscaping.”

- d. Amend Title 20, Article 2, Section 20-7.(o) as follows:

“Landscaping. With the exception of the R1 properties, all landscaping on the property shall be maintained pursuant to Section 13-108 LANDSCAPE MAINTENANCE of this Code. For R1 properties, with the exception of driveways, unpaved all areas visible from the public right-of-way shall be landscaped and the landscaping shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation.”

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and

within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2009.

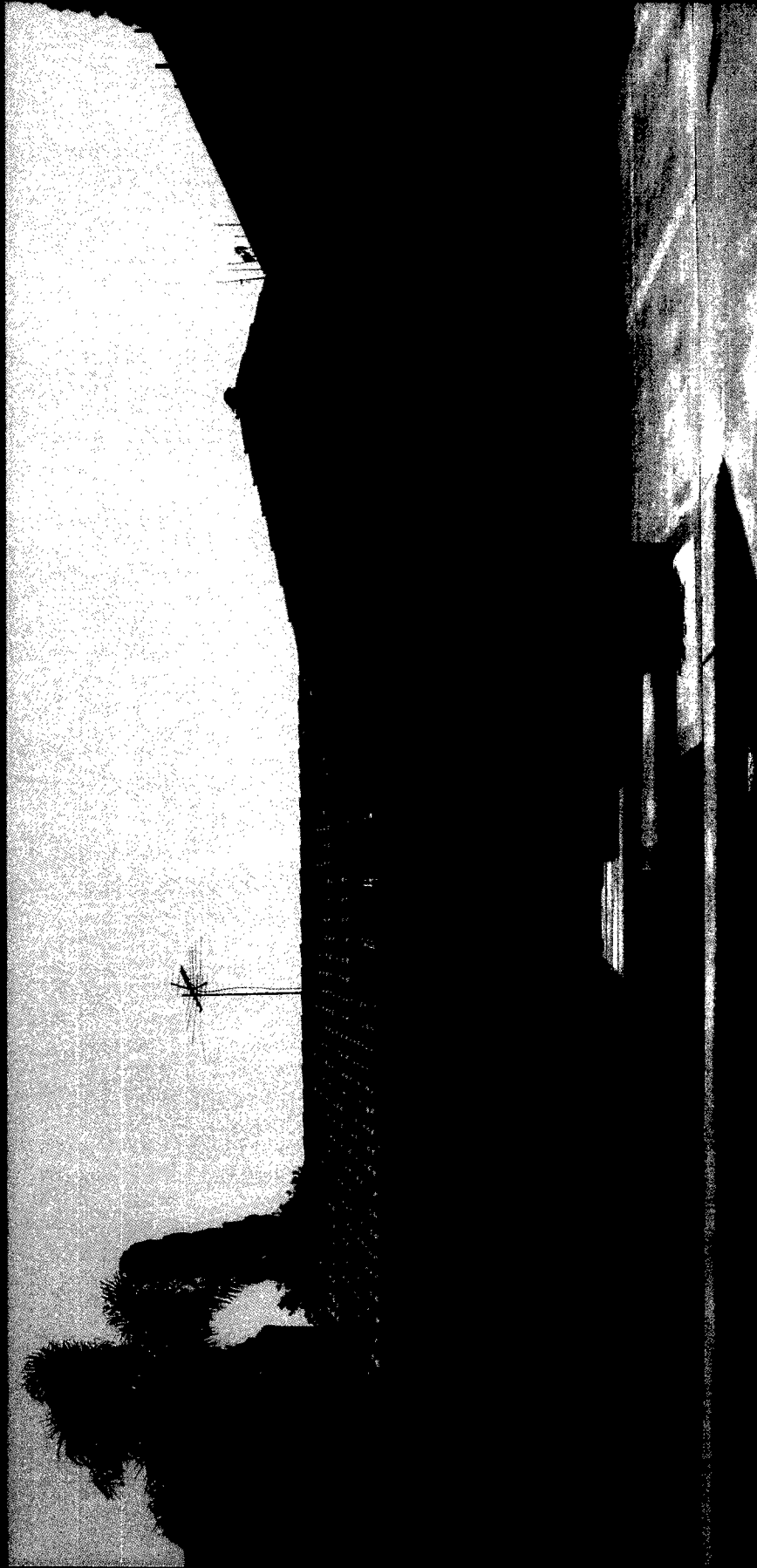
ATTEST:

City Clerk of the City of Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney



Typical front yard landscaping in Costa Mesa

Alternatives
include

Use of drought tolerant
materials in parkway
and front setback

Use of
decomposed
granite and living
plant materials as
ground cover



Use of succulents to provide
a vibrant, colorful, and non-
thirsty palette

